

Scott Dugas Trucking & Excavation, Inc.)
Cumberland County)
Yarmouth, Maine)
A-687-71-D-A/R)

**Departmental
Findings of Fact and Order
Air Emission License**

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Scott Dugas Trucking & Excavation, Inc. (SDT&E), of Yarmouth, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their crushed stone and gravel facility.

SDT&E has also requested their license be amended to add Diesel Unit #2.

B. Emission Equipment

SDT&E is authorized to operate the following equipment:

Rock Crushers:

<u>Designation</u>	<u>Powered</u>	<u>Process Rate</u> <u>(ton/hr)</u>	<u>Control Device</u>	<u>Date of Manufacture</u>
Primary	Diesel Unit #1	200	Water sprays	2002
Secondary	Diesel Unit #2	100	Water sprays	1995

Diesel Units #1 and #2:

<u>Unit #</u>	<u>Maximum Capacity</u> <u>(MMBtu/hr)</u>	<u>Firing Rate</u> <u>(gal/hr)</u>
Diesel Unit #1	1.77	12.9
Diesel Unit #2	3.25	23.7

C. Application Classification

The application for SDT&E is a modification of a minor source. A new emission unit at a minor source is considered a major modification based on whether or not expected emission increases exceed the “Significant Emission Levels” as given in Maine’s Air Regulations. The addition of a diesel generator to SDT&E’s license does not affect the fuel use restriction from the previous license. Therefore, this modification is determined to be a renewal plus a minor modification and has been processed as such.

II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Air Regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in Chapter 100 of the Air Regulations. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Rock Crushers

The primary and secondary rock crushers were manufactured in 2002 and 1995, with rated capacities of 200 tons/hr and 100 tons/hr, respectively. Both crushers are portable. The Primary Crusher is therefore subject to EPA New Source Performance Standards (NSPS) 40 CFR 60 Subpart OOO for Nonmetallic Mineral Processing Plants manufactured after August 31, 1983 and with capacities greater than 150 tons/hr for portable plants and greater than 25 tons/hr for non-portable plants. The Secondary Crusher is not subject to Subpart OOO.

To meet the requirements of BPT for control of particulate matter (PM) emissions from the Primary and Secondary Rock Crushers, SDT&E shall control visible emissions to no greater than 10% opacity on a six (6) minute block average by maintaining and operating water sprays as needed for particulate control. At no time shall emissions from the Primary and Secondary Rock Crushers exceed 10% opacity on a six-minute block average basis.

C. Diesel Units #1 and #2

Diesel Units #1 and #2 have maximum heat input capacities of 1.77 MMBtu/hr and 3.25 MMBtu/hr respectively, firing diesel fuel with a maximum sulfur content of 0.05% by weight. Diesel Unit #1 is an onboard power plant for the Primary Rock Crusher. Diesel Unit #2 is a separate portable unit.

BPT for Diesel Unit #1 and BACT for Diesel Unit #2 is the following:

1. Use of 0.05% sulfur diesel fuel and a limit of 10,000 gal/year, based on a 12-month rolling total.
2. PM emission limits based on MEDEP Chapter 103.
3. NO_x, CO and VOC emission rates are based on AP-42 data dated 10/96 for diesel industrial engines.
4. Visible emissions from each of the diesel units shall not exceed 20% opacity on a 6-minute block average, except for no more than 2 six-minute block averages in a 3-hour period.

D. Stock Piles and Roadways

BPT for all potential sources of fugitive PM emissions, including material stockpiles and unpaved roadways, shall be controlled by wetting with water, with calcium chloride, or other methods as approved by the Bureau of Air Quality to prevent visible emissions in excess of 10% opacity, based on a 3-minute block average.

E. Annual Emission Restrictions

SDT&E shall not exceed 10,000 gallons of diesel fuel with a maximum sulfur content of 0.05% by weight, in a 12-month rolling period. The following emissions shall not be exceeded on a 12-month rolling total:

Total Allowable Annual Emission for the Facility
(used to calculate the annual license fee)

<u>Pollutant</u>	<u>Tons/Year</u>
PM	0.08
PM ₁₀	0.08
SO ₂	0.04
NO _x	3.02
CO	0.65
VOC	0.24

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III.AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Based on the above total facility emissions, SDT&E is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-687-71-D-A/R subject to the following conditions:

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (Title 38 MRSA §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive

- dust, and shall submit a description of the program to the Department upon request.
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353.
 - (6) The license does not convey any property rights of any sort, or any exclusive privilege.
 - (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
 - (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
 - (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.
 - (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.
 - (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
 - (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - b. pursuant to any other requirement of this license to perform stack testing.

- (ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
 - (i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - (ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - (iii) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods,

at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

SPECIFIC CONDITIONS

(16) Rock Crushers

- (i) SDT&E shall operate and maintain water sprays, tenting or other controls as needed for particulate control on the primary and secondary rock crushers. Visible emissions from the crushers shall be limited to no greater than 10% opacity on a six (6) minute block average. SDT&E shall demonstrate the use of water sprays, tenting or other controls that they propose to use during the initial performance test, described in Condition (16)(vi). Each method for controlling opacity must demonstrate that it meets the rock crusher opacity standards found in this license before that method is used in operation.
- (ii) SDT&E shall install water sprays on the secondary rock crusher before commencing operation, and operate and maintain water sprays, tenting or other controls as needed for particulate control.
- (iii) SDT&E shall maintain a log detailing the downtime and maintenance activities on the water sprays. The maintenance log shall be located at the facility whenever the facility is in operation.
- (iv) SDT&E shall maintain a log detailing and quantifying the hours of operation on a daily basis for the rock crushers. The operation log shall be located at the facility whenever the facility is in operation.
- (v) The Primary Rock Crusher is subject to 40 CFR Part 60 Subparts A and OOO. SDT&E shall comply with the applicable testing, notification, record keeping, and opacity requirements of these Subparts. Pursuant to Subpart A, §60.7(a)(4), SDT&E shall notify the Department of any physical or operational change to their facility which may increase the emission rate of any regulated air pollutant. This notice must be postmarked at least 60 days or as soon as practical before the change is commenced, and shall include the following information:
 - a. A description of the precise nature of the change;
 - b. Present and proposed emission control systems;
 - c. Productive capacity of the facility before and after the change; and,
 - d. The expected completion date of the change.
- (vi) SDT&E shall have an initial performance test performed on the rock crushing operation per the applicable sections of 40 CFR Part 60, Subpart OOO, §60.675. This consists of a certified Method 9 observation. The performance test shall be completed within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after the spring 2003 startup of the unit. SDT&E shall

submit a test notice to the regional inspector at least 30 days prior to the performance test. Any rescheduled test requires a 7-day notice to the regional inspector.

(17) Diesel Units #1 and #2

- (i) SDT&E shall not exceed the total use of 10,000 gal/year of diesel fuel based on a 12-month rolling total, with a sulfur content not to exceed 0.05% by weight. Fuel use records and receipts showing the sulfur content of the fuel shall be maintained on a 12-month rolling total.
- (ii) Emissions from Diesel Units #1 and #2 shall not exceed the following:

Diesel Units #1 and #2 Emission Limits

<u>Pollutant</u>	<u>Diesel #1</u>	<u>Diesel #2</u>	
	lb/hr	lb/MMBtu	lb/hr
PM	0.22	0.12	0.39
PM₁₀	0.22	--	0.39
SO₂	0.09	--	0.17
NO_x	7.80	--	14.3
CO	1.68	--	3.09
VOC	0.62	--	1.14

- (iii) Visible emissions from Diesel Units #1 and #2 shall not exceed 20% opacity on a 6-minute block average, except for no more than 2 six-minute block averages in a 3-hour period.

(18) Stockpiles and Roadways

Potential sources of fugitive PM emissions including material stockpiles and unpaved roadways shall be controlled by wetting with water, with calcium chloride, or other methods as approved by the Bureau of Air Quality to prevent visible emissions in excess of 10% opacity, on a 3-minute block average basis.

(19) Equipment Relocation

- (i) SDT&E shall notify the Bureau of Air Quality, by a written notification at least 10 days in advance, prior to relocation of any equipment carried on this license. The notification shall be sent to:

Attn: Relocation Notice
Maine DEP Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

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The notification shall include the address of the equipment's new location and the license number pertaining to the relocated equipment.

- (ii) Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.
- (20) SDT&E shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order.
- (21) SDT&E shall pay the annual air emission license fee within 30 days of July 31 of each year. Pursuant to Title 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under Title 38 MRSA §341-D, subsection 3.
- (22) The term of this Order shall be for five (5) years from the signature below.

DONE AND DATED IN AUGUSTA, MAINE THIS _____ DAY OF _____ 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: March 25, 2003

Date of application acceptance: March 26, 2003

Date filed with the Board of Environmental Protection: _____

This Order prepared by Rachel E. Pilling, Bureau of Air Quality